

CV 14

2032

SPATT, J.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JORDAN WEXLER, on behalf of himself  
and all others similarly situated

Plaintiffs,

COMPLAINT-CLASS ACTION  
JURY TRIAL REQUESTED

v.

ASSOCIATED CREDIT SERVICES, Inc.

Defendants.  
-----X

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT, E.D.N.Y.  
★ MAR 27 2014 ★

BROOKLYN OFFICE

**INTRODUCTION**

1. Plaintiff brings this action to secure redress from unlawful collection practices engaged in by defendant Associated Credit Services, Inc. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt. 15 U.S.C. §§1692d, 1692e and 1692f.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA).

4. Venue and personal jurisdiction in this District are proper because:

a. The collection communication at issue was received by plaintiff within this District;

b. Defendant does business within this District.

### **PARTIES**

5. Plaintiff, Jordan Wexler, is an individual and is a consumer as defined by the FDCPA.
6. Defendant, Associated Credit Services, Inc is a Massachusetts corporation with an address of 115 Flanders Road Suite 140 in Westborough, Massachusetts 01581.
7. Associated Credit Services, Inc. is a debt collector as defined by the FDCPA.

### **FACTS**

8. Plaintiff received the collection letter attached to the complaint as Exhibit A.
9. The letter was the initial written communication from Associated Credit Services, Inc.
10. The letter does not identify the creditor to whom the debt is owed.
11. Long Island Gas is not the name of the creditor to whom the debt is owed.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

#### **VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

12. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
13. The collection letters violate 15 U.S.C. §§1692 and 1692g.
14. Section 1692g entitled Validation of Debts provides:

##### **(a) Notice of debt; contents**

Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing—

- (1) the amount of the debt;
- (2) the name of the creditor to whom the debt is owed;
- (3) a statement that unless the consumer, within thirty days after receipt of the notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by the debt collector;

(4) a statement that if the consumer notifies the debt collector in writing within the thirty-day period that the debt, or any portion thereof, is disputed, the debt collector will obtain verification of the debt or a copy of a judgment against the consumer and a copy of such verification or judgment will be mailed to the consumer by the debt collector; and  
(5) a statement that, upon the consumer's written request within the thirty-day period, the debt collector will provide the consumer with the name and address of the original creditor, if different from the current creditor.

15. Associated Credit Services, Inc.'s conduct violated a portion of the above quoted statute because it failed to identify the name of the creditor to whom the debt is owed.

16. Associated Credit Services, Inc. is liable to the plaintiff for statutory damages pursuant to 15 U.S.C. §1692k.

#### CLASS ALLEGATIONS

17. Plaintiff brings this action on behalf of a class, pursuant to Federal Rules of Civil Procedure Rule 23(a) and 23(b)(3).

18. The class consists of (a) all individuals (b) with a New York address (c) who have received a letter from Associated Credit Services, Inc.(d) which states the words "RE: LONG ISLAND GAS" (e) on or after a date one year prior to the filing of this action and on or before a date 20 days after the filing of this action.

19. The class is so numerous that joinder of all members is not practicable. Above Plaintiff's address there is a bar code which is used for large mailings. On information and belief, there are at least 40 members of the class.

20. There are questions of law and fact common to the class, which common questions predominate over any questions relating to individual class members. The predominant common question is whether the language of the collection letter violates the FDCPA.

21. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

22. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

23. A class action is superior for the fair and efficient adjudication of this matter, in that:

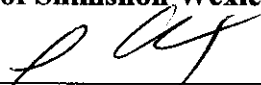
- a. Individual actions are not economically feasible;
- b. Members of the class are likely to be unaware of their rights;
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class and against the defendant for:


- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

Dated: Atlanta, Georgia  
March 20, 2013

**The Law Offices of Shimshon Wexler, PC**

By:   
Shimshon Wexler  
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Plaintiff requests a trial by jury on all issues so triable.

By:   
Shimshon Wexler



P.O. Box 5171  
Westborough, MA 01581-5171  
ADDRESS SERVICE REQUESTED



**ASSOCIATED**  
CREDIT SERVICES, INC.

(800) 962-9898

March 7, 2014

10145898-CR1 260863806



PERSONAL & CONFIDENTIAL  
JORDAN WEXLER  
44 Vinton St  
Long Beach NY 11561-2608

**ASSOCIATED CREDIT SERVICES, INC.**

P.O. Box 5171  
Westborough, MA 01581-5171



Account #: 10145898  
Total Due: \$951.70

\*\*\*Detach Upper Portion and Return with Payment\*\*\*

RE: LONG ISLAND GAS  
Account #: 10145898  
Balance Due: \$951.70

Your account has been listed with our office for collection.

Contact (800) 962-9898.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume the debt is valid. If you notify this office within 30 days from receiving this notice that you dispute the validity of the debt or any portion thereof, this office will obtain verification of the debt or obtain a copy of a judgment against you and mail you a copy of such judgment or verification. If you request this office within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.**

For your convenience, make your payment on-line at [www.payacs.com](http://www.payacs.com)

OUR TOLL FREE NUMBER IS (800) 962-9898

**POR FAVOR CONSULTE LA REVERSA PARA TRADUCCION EN ESPANOL**

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**ASSOCIATED CREDIT SERVICES, INC.** • 115 Flanders Road, Suite 140, P.O. Box 5171 • Westborough, MA 01581-5171  
(800) 962-9898

Office Hours: Monday and Thursday 8am to 8pm EST, Tuesday and Wednesday 8am to 7pm, Friday 8am to 5pm EST  
Most Saturdays 8 am to 12 pm EST